

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BOBBY E. BURTON, JR.,

Plaintiff,

v.

CHARLES WILKINS,

Defendant.

CASE NO. C15-864-JCC-JPD

REPORT AND RECOMMENDATION

On June 1, 2015, plaintiff Bobby Burton presented to this Court for filing a prisoner civil rights complaint under 42 U.S.C. § 1983. (Dkt. 1.) Plaintiff submitted with his complaint a blank application to proceed *in forma pauperis* and a copy of his prison trust account statement from the Texas Department of Criminal Justice. (*See id.*) On June 2, 2015, the Clerk sent plaintiff a letter advising him that his submission was deficient because he failed to submit with his complaint either the \$400 filing fee or a completed application for leave to proceed with this action *in forma pauperis*. (Dkt. 2.) Plaintiff was advised that he would have to submit the entire filing fee or a completed application for *in forma pauperis* status on or before July 2, 2015, and that his failure to do so could result in dismissal of this case. (*Id.*) The Clerk also sent plaintiff

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1 the appropriate *in forma pauperis* application form to complete. (*See* Dkt. 2.) To date, plaintiff  
2 has submitted neither the filing fee nor a completed application for leave to proceed *in forma*  
3 *pauperis*.

4 As plaintiff has had ample time to comply with the filing fee requirement, but has failed  
5 to do so, this Court recommends that the instant action be dismissed without prejudice for failure  
6 to prosecute. A proposed order accompanies this Report and Recommendation.

7 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
8 served upon all parties to this suit by no later than **August 12, 2015**. Failure to file objections  
9 within the specified time may affect your right to appeal. Objections should be noted for  
10 consideration on the District Judge's motion calendar for the third Friday after they are filed.  
11 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no  
12 timely objections are filed, the matter will be ready for consideration by the District Judge on  
13 **August 14, 2015**.

14 DATED this 22nd day of July, 2015.

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16 JAMES P. DONOHUE  
17 Chief United States Magistrate Judge  
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